



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,367	08/28/2001	Naoto Kusumoto	07977-010005	9947

7590 09/11/2003

SCOTT C. HARRIS  
Fish & Richardson P.C.  
Suite 500  
4350 La Jolla Village Drive  
San Diego, CA 92122

EXAMINER

DOAN, THERESA T

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/941,367

Applicant(s)

KUSUMOTO ET AL.

Examiner

Theresa T Doan

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 3-8, 11-16 and 21-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9, 10 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 23 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/604,547.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The corrected drawings were received on 06/23/03. These drawings are approved.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 9-10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art (APA) in view of Asano (5,409,867) as previously cited.

APA teaches in the text pages 1-2 and figures 3A-3D a method of manufacturing a semiconductor device having at least one thin film transistor, the method comprising the steps of:

forming an amorphous silicon semiconductor layer 31 over a substrate;  
irradiating the amorphous silicon semiconductor layer with a laser to crystallize the amorphous semiconductor layer; and  
forming source, drain and channel region of the thin film transistor within the amorphous silicon semiconductor layer.

APA does not teach a linear laser beam is a second harmonic component generated from a continuous oscillating light source wherein the amorphous semiconductor layer is scanned with the linear laser beam in parallel with a carrier flow direction in the channel region.

Asano teaches in figures 1a-1e and columns 1-4 that a linear laser beam 4 is a second harmonic component generated from a continuous oscillating light source wherein the amorphous semiconductor layer is scanned with the linear laser beam in parallel with a carrier flow direction in a semiconductor substrate (column 2, lines 59-68; column 3, lines 63-68 and column 4, lines 1-22) in order to reduce the accumulated distortion of the amorphous semiconductor layer and producing a polycrystalline semiconductor thin film which has a large grain size and can be used as a material for an active region of a semiconductor element (column 1, lines 50-53). Given the above teaching, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the method of Asano in APA for reducing the accumulated distortion of the amorphous semiconductor layer and producing a polycrystalline semiconductor thin film which has a large grain size and can be used as a material for an active region of a semiconductor element.

### ***Response to Arguments***

Applicant's argument that Asano's proposed laser beam having a second harmonic component does not appear to be generated from a continuously-oscillating light source as recited by the claims. The argument is not persuasive because Asano in

column 2, lines 59-68; column 3, lines 63-68 and column 4, lines 1-22 teaches "the optical pulse for partially crystallizing the amorphous silicon film, even if the **visible ray from a continuous-wave type laser**, for example, the **visible ray of wavelength 515 nm** from an argon ion than the former is used as it is or after it is chopped to be converted to intermittent rays, **the similar results can be obtained**" (**emphasis added**). Therefore, Asano does teach a laser beam having a second harmonic's wavelength of 515 nm [see the second harmonic's wavelength as cited in Jiroku et al. (U.S. 6,602,765), column 5, lines 11] generated from a continuously oscillating light source as recited by the claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T Doan whose telephone number is (703) 305-2366. The examiner can normally be reached on Monday to Thursday from 8:00AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WAEL FAHMY can be reached on (703) 308-4918. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

TD  
September 3, 2003.

  
PHAT X. CAO  
PRIMARY EXAMINER